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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791.609	03/03/2004	Jonathan Peeri		2697

7590 07/11/2006

Mr. Jonathan Peeri
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EXAMINER

HASAN, MOHAMMED A

ART UNIT PAPER NUMBER

2873

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,609

Applicant(s)

PEERI, JONATHAN

Examiner

Mohammed Hasan

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 21-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 21, 22, 25-41 and 43 is/are rejected.
- 7) ☒ Claim(s) 23, 24 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 21,22,25-41, and 43- are rejected under 35 U.S.C 102(b) as being anticipated by Ballard (5,515,456).

Regarding claim 10, Ballard discloses (refer to figure 2) a method of enhancing the visibility of images comprising: focusing an image upon a plurality of pixels for each pixel of plurality of pixels determining the intensity of the light that falls upon the pixel and adjusting each pixels effect on light as a function of the intensity determination corresponding to the pixel (column 4,lines 30-57, column 8, lines 21-39).

Regarding claim 21, Ballard discloses, wherein the image is focused using an optical array comprised of optical devices (13 and 15) (column 4, line 39,column 4, line 56).

Regarding claim 22,Ballard discloses, wherein the image can be of any frequency range in the spectrum (column 1, lines 42-43).

Art Unit: 2873

Regarding claim 22, Ballard discloses, wherein the image can be of any frequency range in the spectrum (column 5, lines 36-41).

Regarding claim 25, Ballard discloses, wherein the light falling upon plurality of pixels is reprocessed using an optical array (column 4, lines 47-48).

Regarding claim 26, Ballard discloses, wherein the image is collimated and manipulated such that the enhanced image appears to have originated from the observed scenery (as shown in figure 2).

Regarding claim 27, Ballard discloses, wherein the image is collimated and manipulated such that the enhanced image is magnified (as shown in figure 2).

Regarding claim 28, Ballard discloses, where the same devices used for focusing the observed scenery are used for directing and collimating the enhanced image (as shown in figure 2).

Regarding claim 29, Ballard discloses, wherein each pixel is controlled by adjusting the pixel's translucency (column 10, lines 18-27).

Regarding claim 30, Ballard discloses, wherein each pixel is controlled by adjusting the pixels reflectivity (column 5, lines 10-67).

Regarding claim 31, Ballard discloses, wherein each pixels is controlled by adjusting the pixels light polarization (column 5, lines 10-67).

Regarding claim 32, Ballard discloses, wherein each pixel is controlled by adjusting the pixels light rotation (column 5, lines 10-67).

Regarding claim 33, Ballard discloses, wherein each pixel is controlled by adjusting the pixels light direction (column 5, lines 10-67).

Regarding claim 34, Ballard discloses, wherein each pixel is controlled by adjusting the pixels light phase shift (column 5, lines 10-67).

Regarding claim 35, Ballard discloses (refer to figure 2) a light controlled panel comprising: a plurality of pixels, for each pixels of plurality of pixels, means for determining the intensity of light that falls upon the individual pixel and means for adjusting each pixels effect on light as a function of the intensity determination corresponding to the pixel (column 4, lines 30-57, column 8, lines 21-39).

Regarding claim 36, Ballard discloses, wherein each pixel is controlled by adjusting the pixel's translucency (column 5, lines 10-67).

Regarding claim 37, Ballard discloses, wherein each pixel is controlled by adjusting the pixels reflectivity (column 5, lines 10-67).

Regarding claim 38, Ballard discloses, wherein each pixels is controlled by adjusting the pixels light polarization (column 5, lines 10-67).

Regarding claim 39, Ballard disclose, wherein each pixel is controlled by adjusting the pixels light rotation (column 5, lines 10-67).

Regarding claim 40, Ballard discloses, wherein each pixel is controlled by adjusting the pixels light direction (column 5, lines 10-67).

Regarding claim 41, Ballard discloses, wherein each pixel is controlled by adjusting the pixels light phase shift (column 5, lines 10-67).

Regarding claim 43, Ballard discloses, wherein each pixel has a corresponding control device (as shown in figure 1c and figure 2, i.e control device digital computer 7).

Allowable Subject Matter

2. Claims 23, 24 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show wherein each pixel's effect on light is controlled by the pixel's own embedded light sensitive element, light sensitive element comprises a transistor, and adjusting pixel's effect on light comprises a plurality of control devices.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPAT 5,712,927 discloses a method and apparatus for binary

encoding image data using error diffusion with edge enhancement. In the method for binary encoding the image data, pixel to be binary-encoded are divided into normal and edge regions and the pixel data is binary-encoded in accordance with the divided regions.

Response to Arguments

5. Applicant's arguments with respect to claims 10,21,22,25-41, and 43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2873

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MH
July 5,2006


RICKY MACK
SUPERVISORY PATENT EXAMINER